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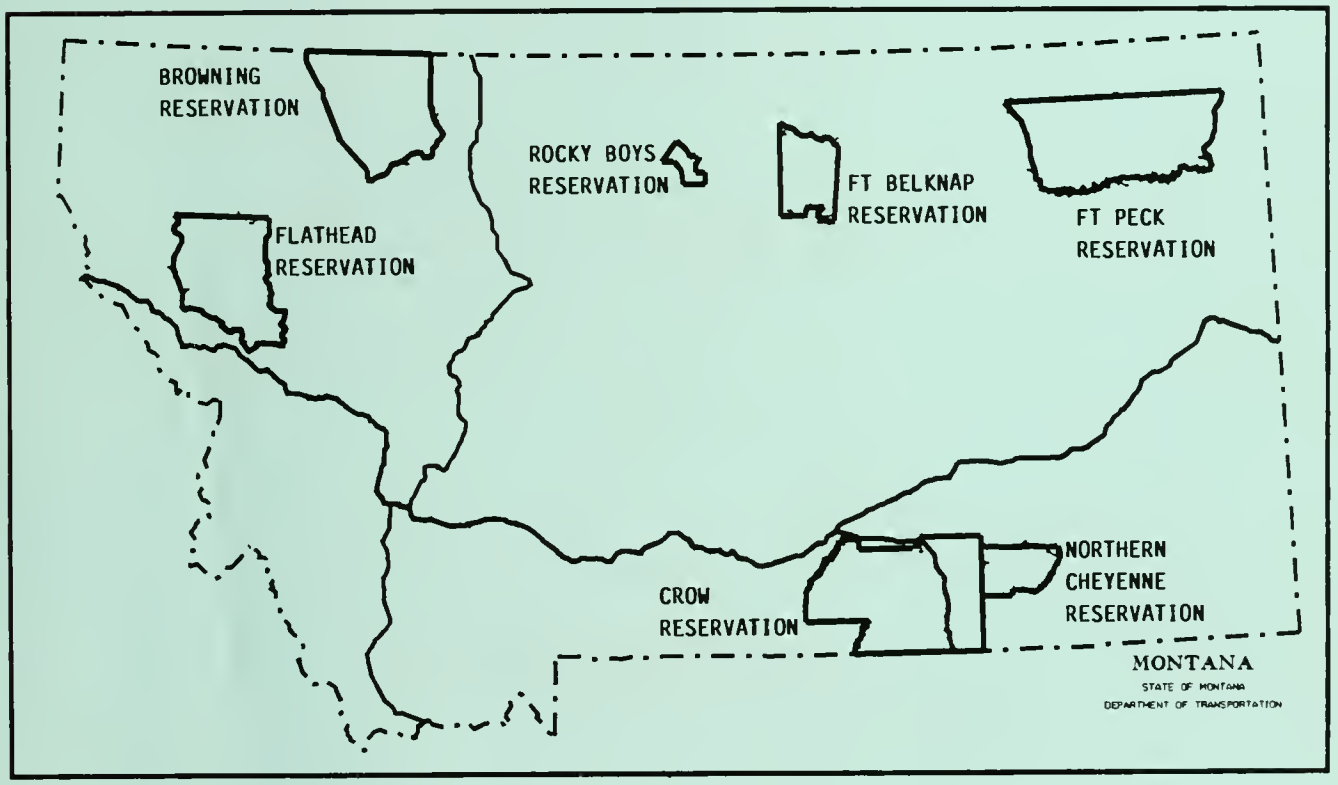
# MONTANA

# DEPARTMENT OF TRANSPORTATION

# TITLE VI PLAN




## 1993

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## TITLE VI POLICY STATEMENT AND ASSURANCES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, or national origin be discriminated against under any program or activity receiving Federal Financial Assistance. A prohibition against discrimination on the grounds of sex is included by amendment. The Title VI Program also refers, where appropriate, to other Federal civil rights statutes. The State of Montana through its Constitution, codes and rules forbids discrimination in many areas.

The Montana Department of Transportation (MDT) assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MDT further assures every effort will be made to ensure nondiscrimination in <u>all</u> programs and activities, whether those programs and activities are federally funded or not.

In the event MDT distributes Federal-aid funds to another governmental entity, MDT will include Title VI language in all written agreements and will monitor for compliance.

The Civil Rights Bureau of the MDT is responsible for initiating and monitoring Title VI activities, preparing required reports and other MDT responsibilities as required by 23 CFR 200.

Marvin Dye
Director

3/29/93
Revised Date

# I. OVERVIEW

## A. PURPOSE

To provide guidelines for:

1. implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and

2. conducting Title VI program compliance reviews.

## B. Application

The provisions of this Title VI Plan apply to all recipients of Federal assistance with and through MDT. A recipient includes any public or private entity or any individual receiving the benefits of any Federal-aid highway assistance program.

## C. DEFINITIONS

See Appendix I for definitions.

## D. AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-4; Title VIII of the Civil Rights Act of 1968, 42 U.S.C 3601-3619; 42 U.S.C. 4601 to 4655; 23 U.S.C. 109h; 23 U.S.C. 324.

Other federal statutes with related authority which may apply:

Title VII of the 1964 Civil Rights Act as amended; the Age Discrimination in Employment Act (45 CFR 90); The Americans With Disabilities Act of 1990.

Applicable State nondiscrimination statutes include The Montana Human Rights Act, Title 49, Chapter 2, M.C.A. and The Governmental Code of Fair Practices, Title 49, Chapter 3, M.C.A.

## E. MONTANA DEPARTMENT OF TRANSPORTATION ADMINISTRATIVE RESPONSIBILITIES

(1) Establish a civil rights unit and designate a coordinator who has a responsible position and easy access to the Director. A Title VI Specialist who shall be responsible for initiating

and monitoring Title VI activities and preparing required reports will be appointed.

(2) The civil rights unit must be adequately staffed to effectively implement the requirements.

**F: TITLE VI SPECIALIST RESPONSIBILITIES**

(1) Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints.

(2) Conduct Title VI reviews of program areas.

(3) Conduct annual reviews of special emphasis program areas to determine effectiveness.

(4) Review State program directives and include Title VI and related requirements.

(5) Conduct Title VI training for State program and civil rights officials.

(6) Prepare a yearly Title VI accomplishments report.

(7) Submit an updated Title VI plan.

(8) Disseminate Title VI information to the general public.

(9) Establish procedures for pregrant and postgrant approval reviews of State programs and applicants; i.e.highway location, design and relocation, and persons seeking contracts with the State.

(10) Establish procedures to identify and eliminate discrimination when found to exist.

(11) Establish procedures for promptly resolving deficiency status.

**G. GENERAL PROGRAM AREA RESPONSIBILITIES**

Planning and Programming: Assuring overall Title VI compliance in the transportation planning process including consultant selection

Rail & Transit Division: Title VI requirements relating to transit programs and urban planning to include conducting of Title VI reviews of cities,

counties, planning agencies and other appropriate recipients.

Right of Way Bureau: Title VI requirements relating to acquisition of Right of Way.

Preconstruction Bureau: Title VI requirements relating to consultant selection.

Materials Bureau: Title VI requirements relating to research including conduct of Title VI reviews for colleges and universities.

Construction Bureau: Title VI requirements relating to construction contracts, advertising projects and subcontract approvals.

Environmental and Hazardous Waste Bureau: Title VI requirements relating to social and environmental issues.

Public Affairs: Title VI requirements relating to dissemination of public information such as public hearings and road reports.

Safety & Training Bureau: Title VI requirements relating to Department wide training opportunities.

Civil Rights Bureau: Title VI requirements relating to implementation of Agency wide Title VI regulations including the Disadvantaged Business Enterprise Program.

# II: SPECIFIC AREA RESPONSIBILITIES

**RAIL & TRANSIT**

The Rail and Transit Division will ensure

a. that Rail and Transit Division assisted benefits and related services are made available and are equitably distributed. The Division publicizes the availability of assistance in local newspapers, minority newspapers, newsletters and by direct mail. The division then solicits participation from throughout the state including the seven Indian reservations;

b. that an opportunity to participate in the rail and transit planning and decision making process is available through public hearings, town meetings, and/or opportunities to comment on consultant studies. Where conditions dictate because of language barriers, age, or other factors, interpreters will be used to aid those in need of the service to understand the proceedings;

c. that corrective and remedial action can be taken by all applicants and recipients of assistance from the Rail and Transit Division to prevent discriminatory treatment of any beneficiary. Complaint procedures are in place that will facilitate a resolution of a problem at the lowest possible level;

d. that the decisions on location of Rail and Transit Services and facilities are made in a manner consistent with Title VI;

e. that the level and quality of Rail and Transit Division assisted services are provided in a manner consistent with Title VI;

f. that data is available identifying concentrations of Title VI protected populations within all urbanized areas and small urban areas;

g. that MPO Title VI plans effectively address and comply with Title VI;

h. that reviews of Section 16 and 18 transportation providers will be conducted on a three year rotational basis with one third being reviewed each year;

i. that reviews of MPOs will be conducted on a three year rotation basis with one MPO per year being reviewed to ensure compliance with Title VI;

j. Urban areas without a formal transportation plan will be reviewed as appropriate or as changes in local federal-aid property projects may dictate, and;

k. that Title VI will be addressed in all studies and plans prepared by or paid for by the Rail and Transit Division.

**PLANNING & PROGRAMMING (P&P)**

A bi-annual evaluation of Title VI impacts resulting from the overall transportation program developed by P&P will be conducted.

P&P will use the Request For Proposal process to obtain consultant services. Title VI impacts will be monitored by the Civil Rights Bureau. Contracts with firms or individuals performing consultant services will include Title VI compliance requirements and periodic desk audits will be conducted by the P&P Title VI Representative.

Title VI related impacts will be addressed in appropriate plans and studies.

District Title VI representatives will identify potential Title VI impacts during the project nomination stage by completing the Title VI portion of the Project Nomination Form. The Project Nomination Form will be reviewed by the P&P Title VI representative.

Data concerning known locations of Title VI protected groups, including but not limited to Indian reservations, in rural areas will be compiled and maintained to assist in Title VI impact identification both at project and planning levels.

Potential Title VI impacts resulting from enhancement projects, the statewide plan and other related planning actions will be identified and appropriately documented.

**PRECONSTRUCTION**

Consultant selection procedures, approved by FHWA, assure that DBE consulting firms are afforded an opportunity to submit Requests for Proposals and participate in consultant contracts.

All consultant contracts are reviewed for inclusion of DBE goals.

Consultant Title VI reviews will be conducted by the appropriate MDT Title VI representative.

**ENVIRONMENTAL AND HAZARDOUS WASTE BUREAU**

Projects on or near reservations are coordinated with tribal governments for environmental studies, impact analysis, avoidance and mitigation measures and appropriate tribal reviews, approvals and permits.

Proposed alternate locations will include an evaluation to determine affects on members of Title VI protected groups. Evaluations will include but not be limited to:

1. identifying approximate number and location of Title VI protected class persons;

2. determining the social-economic characteristics of identified individuals;

3. maintaining evaluation documentation;

4. refining selected location data and evaluating design alternatives using the refined data,

5. recognizing and respecting cultural diversity among Montana's tribal peoples and coordinating accordingly when dealing with sacred sites, burial sites and historic properties on the reservations and in traditional use areas, and,

6. identifying and consulting with all persons in the vicinity of hazardous site situations.

DBE's are provided an opportunity to participate in special landscaping, revegetation, and/or hazardous waste projects.

**RIGHT OF WAY**

The Right of Way Bureau's policies to assure Title VI Compliance are stated in Chapter six of the MDT Right of Way Manual.

1. Real Estate Appraisers

   Recruitment of DBE Fee appraisers will include advertising with professional organizations and publications including the MDT DBE Directory.

   Fee appraiser selections will be based on the following criteria:

   a. Complexity of work to be undertaken and skills necessary to provide services.

   b. Individual's experience in appraising the type of property involved.

   c. Availability of the appraiser to complete the assignment in the time allowed.

   d. Location and conditions pertinent to the project.

2. Negotiations

   A negotiation history, which includes gender and ethnic identification, is submitted for every contact with the owner.

   Where conditions dictate because of language barriers, age, or other factors, interpreters, relatives or friends are employed to aid the property owner in understanding the Department's proposed action.

3. Administrative Settlements/Advance Acquisitions:

   All requests for advance acquisition and administrative settlements will be identified by Title VI protected classes. Documentation will be recorded in the history file.

4. Relocation Assistance:

   Documentation shall be maintained of all relocation assistance activities. Interpreters will be used as necessary.

**MATERIALS BUREAU**

Historically, research projects have been accomplished by the State University system. Title VI reviews are conducted bi-annually.

**CONSTRUCTION BUREAU**

Opportunity for free, open and competitive bidding is assured by advertising in local newspapers, minority newspapers and newspapers having major circulation throughout the State.

Award of construction contracts is on the basis of low bid, bonding and DBE requirements.

The Construction Bureau assures that all Title VI related documents have been included in all Federal-aid contracts and subcontracts.

Prime contracts requiring DBE participation are reviewed to assure that previously committed work is awarded to the proper DBEs.

**PUBLIC AFFAIRS BUREAU**

Actions taken to assure Title VI protected classes are made aware of all public hearings include:

a. press releases and advertising in minority and non-minority newspapers which serve the area of the proposed project;

b. issuing news releases to radio and TV stations in the affected areas; and

c. arranging separate hearings for Tribal Councils when appropriate.

Hearings are held in locations reasonably convenient for members of the Title VI protected class. If distances are a factor, hearings may be held in more than one location.

During the public hearing:

a. translators will be provided if language barriers are present;

b. information regarding the effect of the project on Title VI protected classes will be provided;

c. information will be provided in a non-technical manner;

d. information regarding fair housing and hardship acquisition requirements will be provided;

e. sufficient time will be provided to reasonably answer questions presented by the public.

At the conclusion of the hearing a written summation will be prepared which will include references to Title VI issues.

**ORGANIZATIONAL DEVELOPMENT**

Dissemination of information identifying available training courses is handled by the Safety and Training Bureau. The course list, including NHI courses, is provided to each District Engineer and Division Administrator. It is also posted on bulletin boards in Headquarters and the field level.

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

The MDT DBE Program has been approved by Division and Regional level of FHWA.

To assure that bidding opportunities are made available for minority and women owned businesses, the DBE Program Manager will:

a. Seek out minority and women owned businesses for certification purposes;

b. publish a DBE directory of certified firms;

c. monitor DBE participation levels in Federal-aid construction contracts and consultant contracts;

d. participate in goal setting meetings to establish DBE goals on Federal-aid construction projects and consultant contracts;

e. monitor work performed by certified DBE firms and prime contractors, and;

f. provide technical assistance to contractors.

**DISTRICT RESPONSIBILITIES**

District Title VI representatives will identify potential Title VI impacts during the project nomination stage by completing the Title VI portion of the Project Nomination form.

# III. TITLE VI COMPLAINT PROCEDURES

BASIC PROCEDURAL RIGHTS (Applicable to all levels of the complaint process)

Each party shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.

Intimidation or retaliation of any kind is prohibited by law.

This procedure does not deny the right of the complainant to file formal complaints with other State of Federal agencies or to seek private counsel for complaints alleging discrimination.

PROCEDURE

1. Any person who believes they have been subjected to discrimination prohibited by Title VI requirements may file a written complaint with the Montana Department of Transportation Civil Rights Bureau Chief. A complaint must be filed within 180 days.

2. The Civil Rights Bureau Chief will notify the Administrator - Human Resources Division and the MDT Director of the complaint within five days of receipt.

3. Within 15 days of the receipt of the complaint, an investigation by the Civil Right Bureau will commence. The investigation shall include interviews with the complainant and the respondent. Relevant data shall be obtained. Interrogatories may be used. Informal conference between the affected parties under the direction of the investigator may be utilized for resolution.

4. Within 40 days of the receipt of the complaint, the investigator will prepare a written report for the Chief. The report shall include a narrative description of the incident, identification of persons interviewed, a finding and recommendations for disposition.

5. The recommendation shall be reviewed by the Chief. The Chief will discuss the report and recommendations with the Administrator. A due process hearing will be scheduled within 10 days.

6. The report and recommendations will be forwarded to the MDT Director within five days following the due process hearing.

7. The MDT Director shall make the final determination. The final determination will be forwarded to FHWA within five days.

8. If the complaint cannot be resolved by MDT, the complainant shall be notified of all appeal rights pursuant to 49 CFR 21.

TITLE VI COMPLAINT FORM
Montana Department of Transportation
Civil Rights Bureau
2701 Prospect Avenue, Helena, MT 59620
(406) 444-6331

File

Work Phone_____

Home Phone_____

Complainant_____

_____

Address_____ City_____

Race: ____White ____Black (not Hispanic Origin) ____Hispanic

____Asian or Pacific Islander ____American Indian or

____Alaskan Native

Sex: ____Male ____Female

National Origin

(Specify)_____

Respondent_____(_____)
phone

Address_____ City_____

Nature of Complaint (Please give details, dates, times, how treated differently from someone else. Use additional sheets if necessary):

_____

_____

_____

_____

_____

_____

_____

_____

Reason given for action:

_____

_____

_____

_____

_____

Witnesses (Use additional sheets if necessary):

Name_____ Home Phone_____

Work Phone_____

Address_____ City_____

Name_____ Home Phone_____

Work Phone_____

Address_____ City_____

Other pertinent complaint information:

_____

_____

_____

_____

_____ _____

Signature of Complainant Date

_____

_____ FOR STATE USE ONLY _____

Recommend Disposition: Investigation

completed_____

Date

___ Reasonable Cause

___ Recommended

Action:_____

_____

___ No Cause ___ Administrative Closure

(No jurisdiction Withdrawn

Untimely Other)

___ Settlement

(specify)_____

_____

_____ _____ _____

Investigator Title Date

I concur with the above recommendation.

_____ _____

Raymond D. Brown, Chief Date
Civil Rights Bureau

I concur with the recommendation of the Civil Rights Bureau.

_____ _____

Marvin Dye, Director Date
Montana Department of Transportation

Date forwarded to FHWA, Montana

Division_____

MONTANA DEPARTMENT OF HIGHWAYS

Civil Rights Bureau

INQUIRY

NAME: _____

Date: _____

On _____ I discussed what I believe to be _____ discrimination in the area of _____ which occurred on or about _____ in that I was _____

_____

I (do - do not) wish the Civil Rights Bureau to pursue this matter. Further, I have been advised that such formal administrative complaints must be filed within 180 days of the alleged incident.

I have been advised that my avenues of appeal are:

a. Human Rights Commission
b. Equal Employment Opportunity Commission
c. State/Federal Courts, if applicable
d. Other Title VI procedures.

_____ _____
(signature) (date)

_____ _____
(witness) (date)

The complainant chose not to sign this document. He/she has been informed of formal complaint procedures. The complaint states that he/she does not wish this office to pursue the investigation.

_____
(name) (title) (date)

# 23 CFR - PART 200
## TITLE VI PROGRAM AND RELATED STATUTES
## Implementation and Review Procedures

Section:
200.1 Purpose.
200.3 Application of this part.
200.5 Definitions.
200.7 FHWA Title VI policy.
200.9 State highway agency responsibilities.
200.11 Procedures for processing Title VI reviews.
200.13 Certification acceptance.

**Authority:** Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d - 4; Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 - 3619; 42 U.S.C. 4601 to 4655; 23 U.S.C. 109(h); 23 U.S.C. 324.

**Source:** 41 FR 53982, Dec. 10, 1976, unless otherwise noted.

### §200.1 Purpose:

To provide guidelines for: (a) Implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, land (b) Conducting Title VI program compliance reviews relative to the Federal-aid highway program.

### §200.3 Application of this part:

The provisions of this part are applicable to all elements of FHWA and provide requirements and guidelines for State highway agencies to implement the Title VI Program requirements. The related civil rights laws and regulations are listed under §200.5(p) of this part. Title VI requirements for 23 U.S.C. 402 will be covered under a joint FHWA/NHTSA agreement.

### §200.5 Definitions:

The following definitions shall apply for the purpose of this part:

(a) **Affirmative action.** A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

(b) **Beneficiary.** Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocatees, impacted citizens, communities, etc.

(c) **Citizen participation.** An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are

met through a full opportunity to be involved and to express needs and goals.

(d) **Compliance.** That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

(e) **Deficiency status.** The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

(f) **Discrimination.** That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.

(g) **Facility.** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities.

(h) **Federal assistance.** Includes:

(1) Grants and loans of Federal funds,

(2) The grant or donation of Federal property and interests in property,

(3) The detail of Federal personnel,

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and

(5) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

(i) **Noncompliance.** A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

(j) **Persons.** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: ''White not of Hispanic origin'',

''Black not of Hispanic origin'', ''Hispanic'', ''Asian or Pacific Islander'', ''American Indian or Alaskan Native.'' Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

(k) **Program.** Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

(l) **State Highway Agency.** That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State highway agency if the context so implies.

(m) **Program area officials.** The officials in FHWA who are responsible for carrying out technical program responsibilities.

(n) **Recipient.** Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.

(o) **Secretary.** The Secretary of Transportation as set forth in 49 CFR 21.17(g)(3) or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.

(p) **Title VI Program.** The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

(1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d - d4 (49 CFR part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);

(2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 - 4655) (49 CFR part 25; Pub. L. 91 - 646);

(3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601 - 3619);

(4) 23 U.S.C. 109(h);

(5) 23 U.S.C. 324;

(6) Subsequent Federal-Aid Highway Acts and related statutes.

**§200.7 FHWA TITLE VI POLICY**

It is the policy of the FHWA to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR part 21; and related statutes and regulations.

**§200.9 STATE HIGHWAY AGENCY RESPONSIBILITIES.**

(a) State assurances in accordance with Title VI of the Civil Rights Act of 1964.

(1) Title 49, CFR part 21 (Department of Transportation Regulations for the implementation of Title VI of the Civil Rights Act of 1964) requires assurances from States that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the Department of Transportation, including the Federal Highway Administration.

(2) Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.) requires that there be no discrimination on the ground of sex. The FHWA considers all assurances heretofore received to have been amended to include a prohibition against discrimination on the ground of sex. These assurances were signed by the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. The State highway agency shall submit a certification to the FHWA indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

(3) The State highway agency shall take affirmative action to correct any deficiencies found by the FHWA within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with State-signed assurances and required guidelines. The head of the State highway agency shall be held responsible for implementing Title VI requirements.

(4) The State program area officials and Title VI Specialist shall conduct annual reviews of all pertinent program areas to determine the effectiveness of program area activities at all levels.

(b) State actions.

(1) Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the State highway agency. This unit shall contain a Title VI Equal Employment Opportunity Coordinator or a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.

(2) Adequately staff the civil rights unit to effectively implement the State civil rights requirements.

(3) Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints received directly by the State and not by FHWA. Complaints shall be investigated by State civil rights personnel trained in compliance investigations. Identify each complainant by race, color, sex, or national origin; the recipient; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of the disposition; and other pertinent information. Each recipient (State) processing Title VI complaints shall be required to maintain a similar log. A copy of the complaint, together with a copy of the State's report of investigation, shall be forwarded to the FHWA division office within 60 days of the date the complaint was received by the State.

(4) Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.

(5) Develop a program to conduct Title VI reviews of program areas.

(6) Conduct annual reviews of special emphasis program areas to determine the effectiveness or program area activities at all levels.

(7) Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.

(8) Review State program directives in coordination with State program officials and, where applicable, include Title VI and related requirements.

(9) The State highway agency Title VI designee shall be responsible for conducting training programs on Title VI and related statutes for State program and civil rights officials.

(10) Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.

(11) Beginning October 1, 1976, each State highway agency shall annually submit an updated Title VI implementing plan to the Regional Federal Highway Administrator for approval or disapproval.

(12) Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

(13) Establishing procedures for pregrant and postgrant approval reviews of State programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the State.

(14) Establish procedures to identify and eliminate discrimination when found to exist.

(15) Establishing procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

**§200.11 Procedures for processing Title VI reviews.**

(a) If the regional Title VI review report contains deficiencies and recommended actions, the report shall be forwarded by the Regional Federal Highway Administrator to the Division Administrator, who will forward it with a cover letter to the State highway agency for corrective action.

(b) The division office, in coordination with the Regional Civil Rights Officer, shall schedule a meeting with the recipient, to be held not later than 30 days from receipt of the deficiency report.

(c) Recipients placed in a deficiency status shall be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

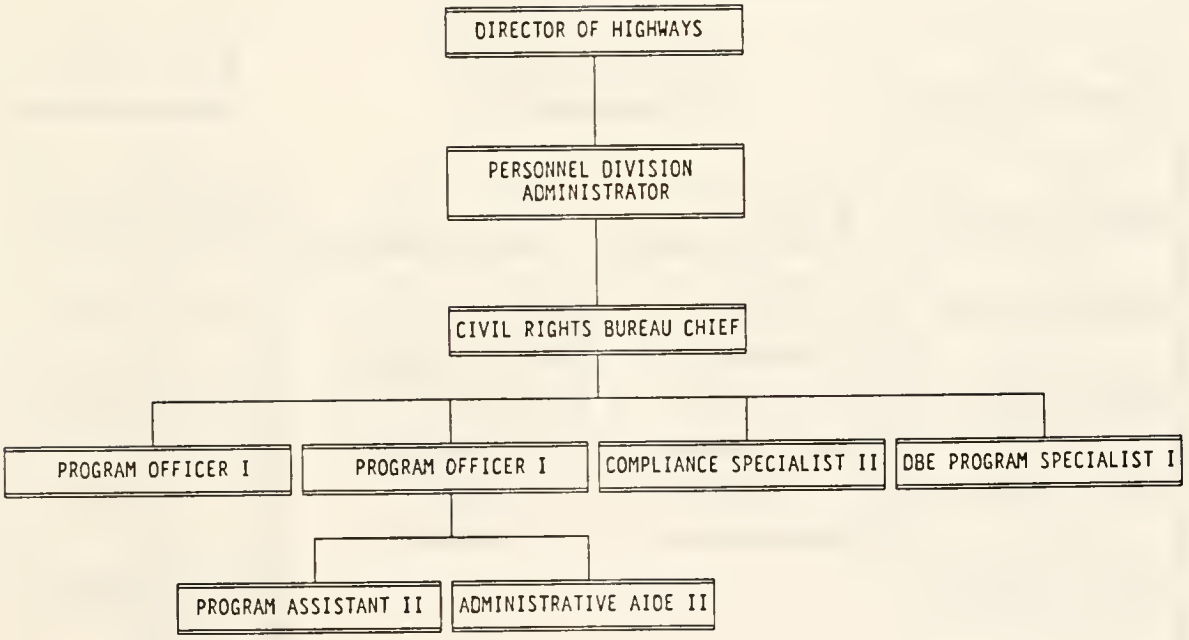
(d) The Division Administrator shall seek the cooperation of the recipient in correcting deficiencies found during the review. The FHWA officials shall also provide the technical assistance and guidance needed to aid the recipient to comply voluntarily.

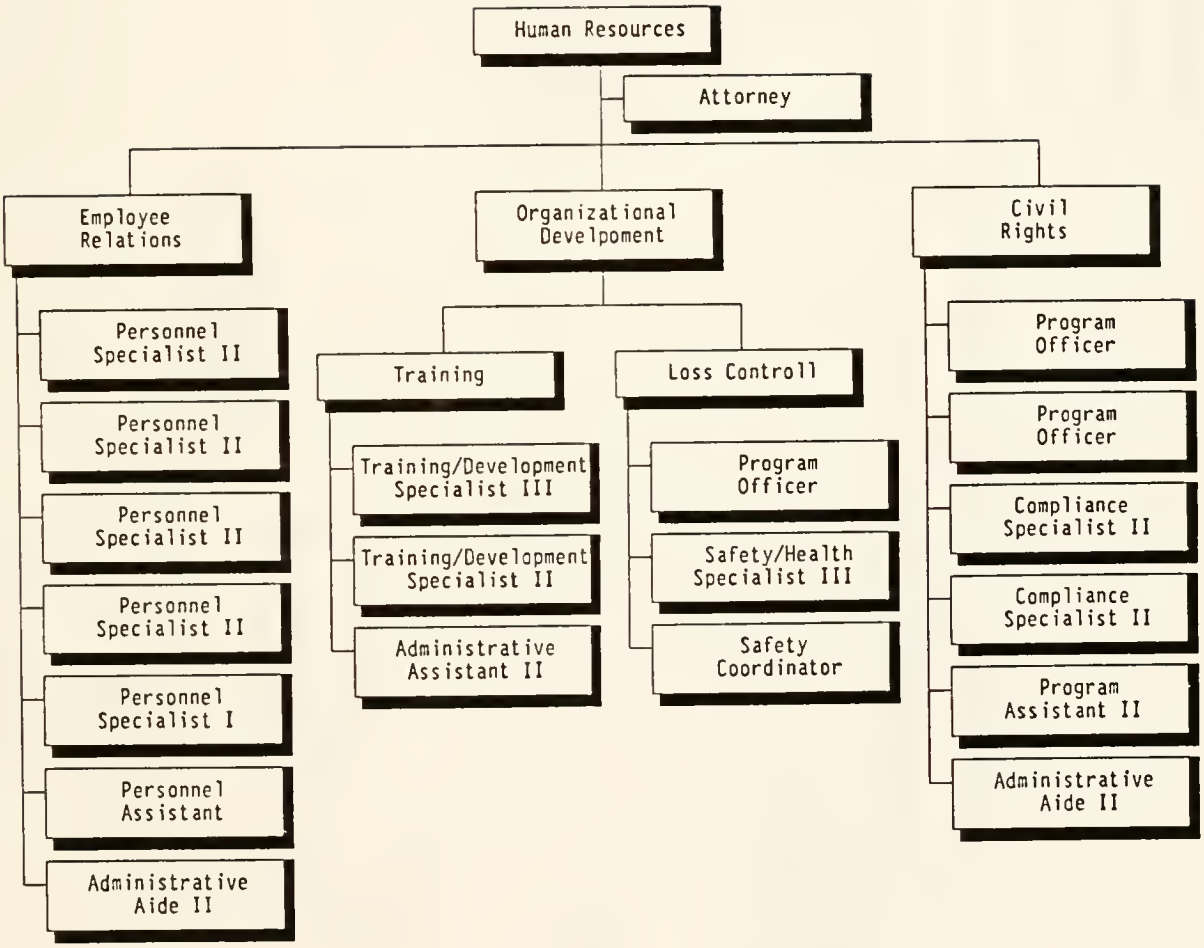
(e) When a recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Division Administrator shall submit to the Regional Administrator two copies of the case file and a recommendation that the State be found in noncompliance.

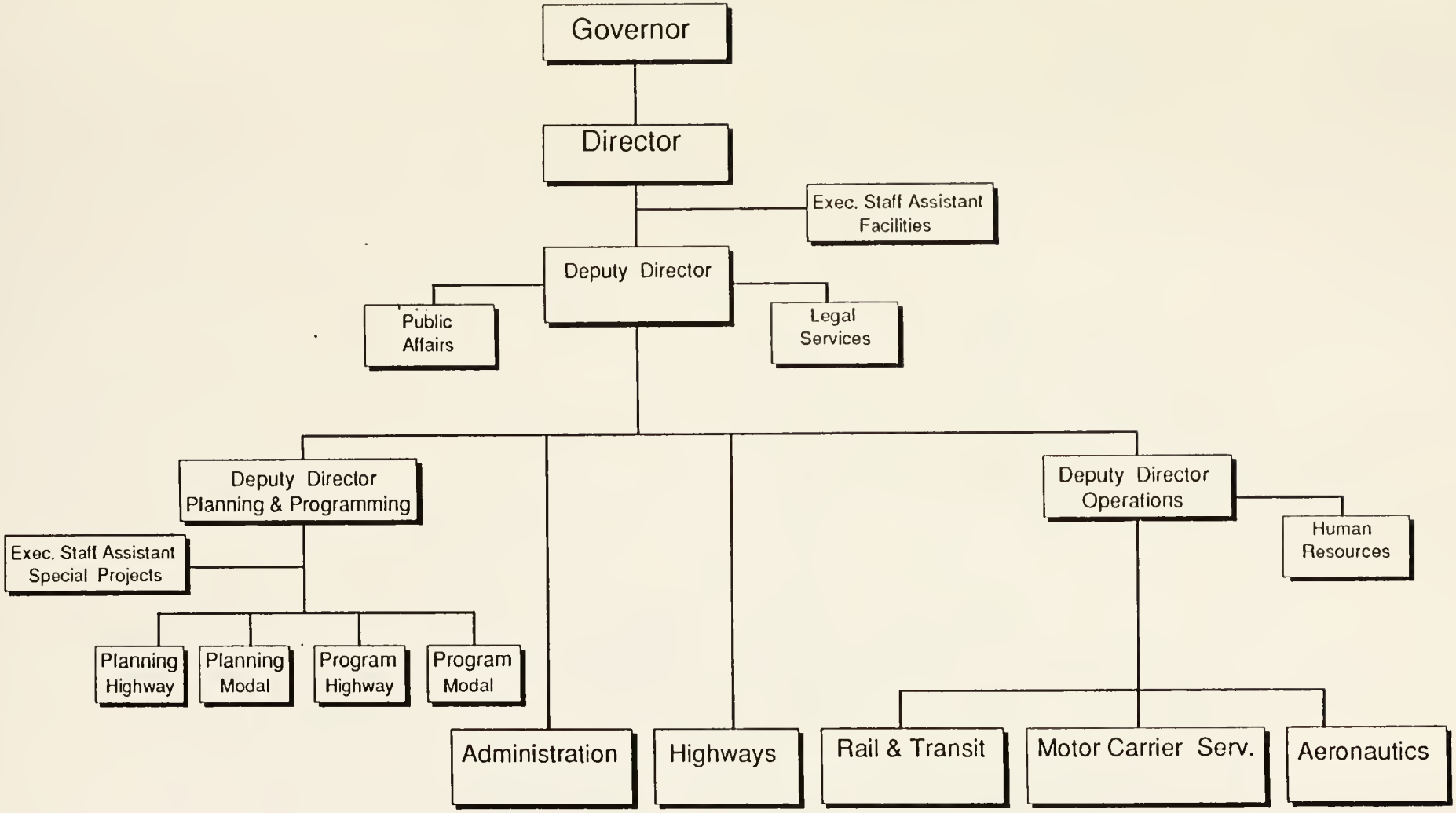
(f) The Office of Civil Rights shall review the case file for a determination of concurrence or noncurrence with a recommendation to the Federal Highway Administrator. Should the Federal Highway Administrator concur with the recommendation, the file is referred to the Department of Transportation, Office of the Secretary, for appropriate action in accordance with 49 CFR.

**§200.13 Certification acceptance.**

Title VI and related statutes requirements apply to all State highway agencies. States and FHWA divisions operating under certification acceptance shall monitor the Title VI aspects of the program by conducting annual reviews and submitting required reports in accordance with guidelines set forth in this document.


DIRECTOR OF HIGHWAYS
PERSONNEL DIVISION ADMINISTRATOR
CIVIL RIGHTS BUREAU CHIEF
PROGRAM OFFICER I
PROGRAM OFFICER I
COMPLIANCE SPECIALIST II
DBE PROGRAM SPECIALIST I
PROGRAM ASSISTANT II
ADMINISTRATIVE AIDE II


Human Resources
Attorney
Employee Relations
Personnel Specialist II
Personnel Specialist II
Personnel Specialist II
Personnel Specialist II
Personnel Specialist I
Personnel Assistant
Administrative Aide II
Organizational Develpoment
Training
Training/Development Specialist III
Training/Development Specialist II
Administrative Assistant II
Loss Controll
Program Officer
Safety/Health Specialist III
Safety Coordinator
Civil Rights
Program Officer
Program Officer
Compliance Specialist II
Compliance Specialist II
Program Assistant II
Administrative Aide II




ORGANIZATIONAL CHART

MONTANA
DEPARTMENT OF TRANSPORTATION

_____
DIRECTOR OF TRANSPORTATION

APPROVED _____
GOVERNOR

DATE _____

# Montana Department of Transportation

2 / 20 / 92